

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

DONALD JAMES MONACO,

Civil No. 03-1051 (JRT/RLE)

Plaintiff,

ORDER

vs.

UNITED STATES DEPARTMENT OF
JUSTICE, FEDERAL BUREAU OF PRISONS,
KATHLEEN HAWK SAWYER, DIRECTOR;
F.C.I. WASECA WARDEN T.C. OUTLAW;
WASECA CLINICAL DIRECTOR, DR. MARK GRAY;
WASECA HEALTH SERVICE CAPTAIN, USPHS,
ALAN JORGENSEN; F.P.C. DULUTH WARDEN,
D.L. STINE; DULUTH CLINICAL DIRECTOR,
DR. DAVID BARTON; DULUTH HEALTH SERVICE
CAPTAIN, USPHS, ROBERT DEFRANCE;
DULUTH PHYSICIAN ASSISTANT JOHN ESPINAL;
DULUTH PHYSICIAN ASSISTANT PHILLIP POLZIN;
DULUTH SAFETY MANAGER AND RECYCLING
SUPERVISOR, CHUCK WESSBERG,
SEX OFFENDER PROGRAM,

Defendants.

Donald James Monaco, #13314-006, Federal Prison Camp, Box 1000, Duluth,
Minnesota 55814, pro se plaintiff.

Lonnie F. Bryan, Assistant U.S. Attorney, **OFFICE OF THE UNITED
STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis,
Minnesota 55415, for defendants.

Based upon the Report and Recommendation of United States Chief Magistrate Judge
Raymond L. Erickson, and after an independent review of the files and records in this case,

and on the fact that no objections have been filed to the Report and Recommendation, **IT IS
HEREBY ORDERED** that:

That the defendants' motion to dismiss or, in the alternative, for summary judgment
[Docket No. 75], **IS GRANTED.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 17, 2006
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge